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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,741	11/28/2001	Thomas Blattner	A03195	8342
24131	7590	07/25/2005	EXAMINER	
LERNER AND GREENBERG, PA			HENDERSON, MARK T	
P O BOX 2480				
HOLLYWOOD, FL 33022-2480			ART UNIT	PAPER NUMBER
			3722	
DATE MAILED: 07/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/994,741	BLATTNER ET AL.	
	Examiner	Art Unit	
	Mark T. Henderson	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 June 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 and 9-21 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 10-21 is/are allowed.
 6) Claim(s) 1-6, and 9 is/are rejected.
 7) Claim(s) 7 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED OFFICE ACTION

Faxing of Responses to Office Actions

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing or responses to Office Actions directly into the Group at (571) 273-8300. This practice may be used for filing papers, which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

1. Claims 1 and 9 have been amended for further examination. Claim 21 has been added.

Response to Amendment

2. After further review and consideration of the claims, the examiner has withdrawn the finality of the previous office action and as submitted a new ground of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 3-6, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson in view of Seaborn (3,555,587).

Dawson discloses in Fig. 1, a process for binding brochures comprising: inserting the binding element (52, after formed as shown in Fig. 1) into a plurality of superposed sheet like material (not shown, but stated in Col. 5, lines 40-50); and forming the looped binding elements in a row that extends across a width of a brochure (Col. 4, lines 11-23) immediately before inserting step (stated in Col. 5, lines 41-44, wherein the inserting step starts “subsequently” after the forming process); wherein the single element corresponds to a width of the brochure (Col. 5, lines 45-46); forming a plurality of crimps in the looped binding element (with each loop with a single bending die (wherein roll (63) is the single bending die).

However, Dawson does not disclose: the determination of at least one production parameter with an electronic control device.

Seaborn discloses in Fig. 1, 4 and 5, the determination of at least one production parameter (in this case the perforation spacing) with an electronic control device (Col. 5, lines 27-36 and in Fig. 5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dawson's production process with an electronic device for determining a production parameter as taught by Seaborn for providing a means in which the looped elements are in precise alignment with the perforations.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson as modified by Seaborn, and in further view of November.

Dawson as modified by Seaborn discloses in Fig. 1, a process for producing brochures comprising all the elements as claimed in Claim 1 and as set forth above.

However, Dawson does not disclose wherein the binding element is tailored and complemented to the perforations.

November discloses in Fig. 4-6, a process wherein the crimp and loop binding element is tailored and complemented to the perforations (2) along an edge of superposed sheets (3 and 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dawson et al's and Seaborn's brochure producing process to include a process for tailoring binding elements to fit inside perforations of sheets as taught by November for the purpose of forming a bound notebook.

Allowable Subject Matter

5. Claims 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 10-21 are allowed.
7. The following is a statement of reasons for the indication of allowable subject matter: No prior art of record discloses or fairly teaches a process for producing brochures comprising determining a thickness of a brochure to be produced and storing the thickness in an electronic device; producing a binding element corresponding to the thickness; feeding the wire from a spool; bending wire into a flat, multiple loop binding element; cutting binding element and conveying it to an insertion device; supplying sheet like material to the insertion device, wherein the material has perforations; inserting the binding element into the perforations; bending the binding element into a ring-like binding; and including all of the other limitations in the independent claims.

Response to Arguments

8. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Seaborn is now used to disclose a process of producing brochures wherein an electronic device is used to determine a production parameter.

Prior Art References

9. The prior art references listed in the attached PTO-892, but not used in a rejection of the claims, are cited for (their/its) structure. Crudo et al, Witte, Burn et al, Reiger et al, Dawson, Jones, Adams, Liouville, Blattner et al, and Pigna et al disclose similar processes of producing brochures.

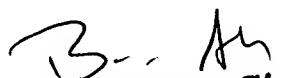
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (571) 272-4477, and informal fax number is (571) 273-4477. The examiner can be reached on Monday-Friday from 9:00AM to 3:45PM. If attempts to reach the examiner by telephone are unsuccessful, the Examiner Supervisor, Boyer Ashley, can be reached at (571) 272-4502. The formal fax number for TC 3700 is (571) 273-8300.



MTH

July 18, 2005


BOYER D. ASHLEY
PRIMARY EXAMINER